

Before the FEDERAL COMMUNICATIONS COMMISSION

In the Matter of Credit Union National Association (CUNA) Petition for  
Declaratory Ruling

CG Docket No. 02-278; DA No. 17-798

Rules and Regulations Implementing the Telephone Consumer Protection Act of  
1991

COMMENTS OF CHRIS R. MILTENBERGER, ESQ

I support and second the comments made by Justin Holcombe.

I submit this in my professional capacity as an attorney for other consumers who are fed up with the constant barrage of telephone calls from businesses who either ignore the TCPA's consent requirements or continuously look for new ways to skirt them. I respectfully oppose the request of CUNA.

The calls CUNA wants to exempt are no more special than those made by anyone else. Credit Unions may receive consent from its members to call a cellular telephone number at the time the member opens an account. Credit Unions can keep track of such consent in the same manner that all other callers keep track of consent. There is no legitimate reason to grant Credit Unions a special content-based exemption. If a member wants to receive calls, the member can consent. If the calls become a nuisance, the member should be able to say "stop." The Commission should take this opportunity to reaffirm its prior orders that 1) the TCPA's prohibition on calls to cellular telephone numbers applies to any call, and 2) that consumers retain the right under the statute to control who can robocall their cellular telephone numbers by consenting (or withdrawing consent) at any time.

Thank you.

Chris R. Miltenberger, Esq.